

Report to:	SPEAKERS' PANEL (LIQUOR LICENSING)
Date:	5 September 2022
Reporting Officer:	Emma Varnam – Assistant Director, Operations & Neighbourhoods
Subject:	APPLICATION FOR A PREMISES LICENCE – MOTTRAM CRICKET CLUB, BROADBOTTOM ROAD, MOTTRAM, SK14 6JA
Report Summary:	Members are requested to determine the application
Recommendations:	<p>Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are:</p> <p>(a) to grant the licence subject to –</p> <ul style="list-style-type: none"> (i) such conditions that the authority considers appropriate for the promotion of the licensing objectives, and (ii) current mandatory conditions; <p>(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;</p> <p>(c) to refuse to specify a person in the licence as the premises supervisor;</p> <p>(d) to reject the application.</p>
Corporate Plan:	Living Well – Improve satisfaction with local community
Policy Implications:	Members are provided with policy guidelines to assist in the decision making process.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.
Legal Implications: (Authorised by the Borough Solicitor)	<p>If the Panel rejects the application that decision can be challenged by the Applicant. If the Panel grants the licence the Applicant can appeal against any of the conditions imposed on the licence or against a decision to refuse to specify a person in the licence as the premises supervisor.</p> <p>Any person who made relevant representations can appeal against the decision to grant the licence or against any of the conditions imposed on the licence or on the grounds that the Panel should have refused to specify a person in the licence as the premises supervisor. Any challenge would be by way of an appeal to the Magistrate's Court which may dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the licensing authority, or remit the case to the licensing authority to dispose of it in accordance with the direction of the court and may make such order as to costs as it thinks fit. If an appeal were successful the Magistrates would be unlikely to</p>

order costs against the Local Authority if the authority had acted honestly, reasonably, properly and on grounds that reasonably appeared to be sound, in exercise of its public duty.

Risk Management:

Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.

Access to Information:

The author of the report is Mike Robinson, Regulatory Services Manager (Licensing)

Background Information:

The background papers relating to this report can be inspected by contacting Mike Robinson



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- 1.1 Section 17 of the Licensing Act 2003 outlines the procedure whereby an application can be made to the Licensing Authority for a premises licence.
- 1.2 Section 18(3) of the Licensing Act 2003 states that where relevant representations are made in respect of such an application, the authority must:
 - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such steps as mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 1.3 The steps mentioned in subsection (4) are:
 - (a) to grant the licence subject to –
 - (i) such conditions that the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) current mandatory conditions;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application.

2. REPORT

- 2.1 Mottram Cricket Club, Broadbottom Road, Mottram, SK14 6JA is a licensed premises. A location map, including photograph of the premises is attached at **Appendix 1**.
- 2.2 Mottram Cricket Club has held a Club Premises Certificate since 24 November 2005. A copy of this Club Premises Certificate is attached at **Appendix 2**.
- 2.3 The Club Premises Certificate allows the supply of alcohol by or on behalf of a club to a member of the club and the sale of alcohol by or on behalf of a club to a guest of a member.
- 2.4 The current licensable activities and timings are detailed below:-

Performance of a Play

Sunday 12:00 - 22:30

Monday - Saturday 11:00 - 23:00

Good Friday 11:00 - 23:00

Performance of Live Music (Indoors)

Sunday 12:00 - 22:30

Monday - Saturday 11:00 - 23:00

Good Friday 11:00 - 23:00

Playing of Recorded Music (Indoors)

Sunday 12:00 - 22:30

Monday - Saturday 11:00 - 23:00

Good Friday 11:00 - 23:00

The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises only (Indoors)

Sunday 12:00 - 22:30

Monday - Saturday 11:00 - 23:00

Good Friday 11:00 - 23:00

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place (Indoors)

Sunday 12:00 - 22:30

Monday - Saturday 11:00 - 23:00

Good Friday 11:00 - 23:00

Provision of Regulated Entertainment (Indoors)

Sunday 12:00 - 22:30

Monday - Saturday 11:00 - 23:00

Good Friday 11:00 - 23:00

- 2.5 The Licensing Department received two complaints on 1 July 2021 and 12 July 2021 in relation to anti-social behaviour at the premises. Following receipt of these complaints, a visit was conducted by Licensing where it was found that members of the public who were not members of the club were being served alcohol. The Club was then informed that they were required to apply for a premises licence if they wanted to sell alcohol to members of the public.
- 2.6 On 9 February 2022, the Licensing Office received a premises licence application from Mottram Cricket Club.
- 2.7 A Speakers Panel (Liquor Licensing) Hearing was arranged for 4 April 2022, this hearing did not take place due to the application not being advertised correctly during the consultation period by the applicant. The application was therefore rejected and Mottram Cricket Club were advised to submit a new application.
- 2.8 On 24 May 2022, the Licensing Office received a premises licence application from Mottram Cricket Club. A copy of this application is attached at **Appendix 3**.
- 2.9 The licensable activities and timings that have been applied for are as follows:-

Live Music (indoors and outdoors)

Monday - Thursday 10:00 - 23:00

Friday – Saturday 10:00 – 00:00

Sunday 10:00 – 23:00

Recorded Music

Monday - Thursday 10:00 - 23:00

Friday – Saturday 10:00 – 00:00

Sunday 10:00 – 23:00

Late Night Refreshment (indoors and outdoors)

Monday - Thursday 10:00 - 23:30

Friday – Saturday 10:00 – 00:30

Sunday 10:00 – 23:30

Supply of Alcohol (for consumption on the premises only)

Monday - Thursday 10:00 - 23:00

Friday – Saturday 10:00 – 00:00

Sunday 10:00 – 23:00

- 2.10 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music, for audiences of no more than 500 people, between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.

- 2.11 It came to the attention of the Licensing Authority that the press notice advertising the application had incorrectly provided for the following activities: Live Music, Recorded Music and Supply of alcohol, being applied for an extra hour. Clarification was sought from the applicant who have confirmed that the hours listed above and on the application (Appendix 3) are correct.
- 2.12 The consultation for this application was extended due to the notice advertised by the applicant in the Tameside Correspondent, dated 3 June 2022, stated the following; Representation may be made for 28 consecutive days from the date of this notice. The end of the consultation was extended to 1 July 2022 to reflect the date advertised in the paper. A copy of the press notice is attached at **Appendix 4**.
- 2.13 All new premises licence applications are advertised on the Council's website. An administrative error incorrectly showed the supply of alcohol to be for consumption both on and off the premises. This was corrected on 22 June 2022. Further, the Licensing Authority confirmed with the applicant that the application seeks only to supply alcohol for consumption on the premises.
- 2.14 Prior to the end of the consultation, discussions took place between Licensing and the applicant and conditions were agreed. These conditions are attached at **Appendix 5**.

3 REPRESENTATIONS & EVIDENCE SUBMITTED

Members of the Public

- 3.1 A representation has been received from Ward Members Councillor Jacqueline North, Councillor Janet Cooper and Councillor Jacqueline Owen. This is representation is attached at **Appendix 6**.

Further representations have been received from 21 members for the public. These representations are attached at **Appendix 7 to 29**.

Location Map

- 3.2 A map showing the premises together with a key identifying the properties that have submitted a representation is attached at **Appendix 30**.

4 HOME OFFICE GUIDANCE

In determining this application the Panel must have regard to the Council's Statement of Licensing Policy and the statutory guidance issued pursuant to s182 of the Licensing Act 2003. The statutory guidance includes the following:

Determining actions that are appropriate for the promotion of the licensing objectives:

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to

achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination

5 CONCLUSION AND OPTIONS FOR THE PANEL

- 5.1 Panel are requested to consider the evidence and decide what (if any) steps to take as it considers appropriate for the promotion of the licensing objectives. The options available to the Panel are;
- (a) to grant the licence subject to –
 - (i) such conditions that the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) current mandatory conditions;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application.